

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)
	)
Amendment of Part 97 of the Commission's	)
Amateur Radio Service Rules to Eliminate	) RM - 10787
Morse Code Proficiency Testing Requirements	) RM - 10786
For All Classes of Amateur Licenses	)
	)
To: The Commission	)

**COMMENTS of Benjamin James Franske, KC0OJA**

The purpose of these comments is to express support for petitions RM-10786 and RM-10787, hereafter referred to as the "NCI Petition" and "NCVEC Petition" respectively, recommending the elimination of all Morse code proficiency requirements from the Commission's Part 97 rules for ALL classes of amateur license issued by the Commission.

At the inception of the Amateur Radio Service Morse code was the primary mode of long distance communications, but with the advent of other modes such as phone and packet it has all but become obsolete in practically all other contemporary communications systems. In fact, radiotelegraphy was phased out of the maritime service starting in 1988 and no countries, including the United States, are still monitoring the 500kHz distress frequency. Thus the ability to transmit and receive Morse CW is no longer required for effective emergency communications. Virtually no government or commercial radio service continues to use Morse CW as a means of communication. This has eliminated the need to maintain a "pool of [Morse] trained operators."

In the last comprehensive review of Part 97 Amateur Service rules (WT Docket No. 98-143) the Commission decided to simplify amateur licensing by reducing the number of classes from six to three and eliminating the high-speed Morse code tests. In fact, the Commission came to the conclusion that the passing of a Morse examination of any speed was in no way an indication of an amateur's fitness to hold a Federal license, their technical abilities, or communication skills other than the obvious of being able to copy Morse code by ear at some speed. It was also pointed out that virtually no emergency traffic is passed by Morse CW any longer. Instead, most

is conducted by SSB phone and PSK data on HF frequencies, and by packet data and FM phone on VHF and UHF frequencies. Morse code is no longer required to monitor marine communications, nor to be able to receive military or marine messages to avoid interference. Based on these and other findings the Commission concluded that the only reason for continuing any Morse code examination would be to meet the ITU requirement. The “*minimum requirement that meets the ITU Radio Regulations*” was then adopted as the only remaining Morse examination, that minimum requirement no longer exists. At the World Radiocommunications Conference, 2003 in Geneva on July 4, 2003 the Morse requirement was eliminated and the decision to continue Morse testing was left up to individual administrations.

Since WRC-03 administrations in Switzerland, the United Kingdom, Belgium, Germany, the Netherlands and Norway have eliminated Morse testing requirements and more are expected to follow suite. Indeed, it is ironic that European amateurs with a Class 2 CEPT certificate (no-code required) can now come to the U.S. and have more operating privileges than a U.S. licensed amateur who has not passed a Morse CW test.

The Commission has already considered the issue of continued Morse proficiency and had extensive input from the public and concerned parties in WT Docket No. 98-143. By granting the NCI or NCVEC petitions a burden on applicants for amateur radio licenses would be removed, no additional requirement would be imposed, and therefore no party or other person would be prejudiced by such Commission action. This gives the Commission the authority to eliminate Morse proficiency requirements from Part 97 rules by expedited order, without formal notice and public input.

The continuation of Morse proficiency creates an impediment for potential licensees who are disabled and unable to either learn or physically execute the skill. Now that the international Morse code requirement is optional, the FCC can expect to receive numerous requests for waivers of the Morse code requirement under the Americans with Disabilities Act (ADA). In the past the Commission was able to cite the international requirement as the reason the test could not be waived, but this is no longer the case.

The IARU has determined that continuing Morse proficiency requirements is not in the best interest of the future of the Amateur Radio Service. The Morse requirement is deterring new operators from joining the Amateur Radio Service as the requirement is viewed as antiquated and not relevant for modern day communications. This makes the entire Amateur Radio Service appear to be out of touch with modern realities.

The Commission should refrain from combining the NCI or NCVEC petitions with other substantially unrelated issues such as, but not limited to, band segmentation, sub-band designations, changes in the number of license classes, sweeping changes in operator privileges by license class, etc., because that would result in unnecessary, protracted delay in resolving this important and clear-cut issue. For the reasons outlined and referenced herein, the Commission should grant the NCI or NCVEC petitions and change the Part 97 rules *in the most expeditious manner possible*.

While the Morse requirement has traditional and historical significance, and will continue to be recreationally operated by amateurs around the world. There are over 1,000 modes of communication allowed for use in the Amateur Radio Service, yet Morse code is the only mode held to this higher testing standard. In summary, I support the modification of Part 97 rules in accordance with the NCI or NCVEC petitions for the removal of Morse Code Proficiency Testing Requirements *in the most expeditious manner possible*.

Respectfully Submitted,

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